INVESTIGATIVE SUMMARY

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The summary of this incident is based upon the reports, memos, teletypes and interviews contained in this packet. It also contains information verbally relayed to the Internal Affairs investigators by the deputy witnesses. The deputies involved were not interviewed by Internal Affairs investigators as part of this review.

During the period of January 15-17, 1994, Sheriff's Homicide investigators, Sergeant Joe Purcell and Deputy Melinda Hearne were investigating a suspect wanted in a series of robberies which occurred in the Lennox area, the cities of Inglewood and Los Angeles, and a murder/robbery in the City of Hawthorne. Refer to the attached County of Los Angeles, Sheriff's Department, Supplemental Report, dated February 11, 1994, **Exhibit A**.

On January 17, 1994, shortly after 0900 hours, members of the Burglary Apprehension Team (BAT), Sergeant Gary Smith, Deputies Richard Garcia, Joseph Morphew and David Gill contacted Homicide investigators Purcell and Hearne at the Hawthorne Police Department. Sergeant Purcell informed the BAT team members that a murder and serial armed robbery suspect's vehicle was under surveillance by Hawthorne Police officers in the area of West 139th Street and Yukon Avenue in the City of Hawthorne.

The BAT team members were requested to relieve Hawthorne police officers on the surveillance and to arrest anyone matching the physical description of the suspect or entering the vehicle. The BAT team subsequently moved into position to conduct a mobile surveillance in the immediate area with each deputy assigned to four individual, unmarked vehicles. Sergeant Smith was assigned the call sign of Black-Sam, Deputy Garcia was assigned as unit Black-1, Deputy Gill was assigned as Black-3, and Deputy Morphew was assigned as unit Black-2.

> ***IAB Note***: Homicide investigators described the suspect as a male, black, 20-30 years old, 5'8" to 6', medium build with short hair. The vehicle was a 1989 Mercury Cougar, 2 door, Cal. license #[redacted], and grey in color. The vehicle was taken during a carjacking and entered in the Stolen Vehicle System as armed and dangerous.

At approximately 1115 hours, shortly after the BAT team members were deployed and positioned in the area, Deputy Gill observed a male, black walk from the apartment complex, enter the Mercury Cougar and drive westbound on 139th Street. The BAT team members initiated a mobile surveillance of the vehicle. Sergeant Smith who was driving a blue, 1989 Ford Mustang, pulled directly in front of the

suspect's vehicle and Deputy Garcia who was driving a white, 1990 Chevrolet Camaro pulled directly behind the suspect. Deputy Garcia advised Sergeant Smith that it appeared the suspect was aware of their surveillance. As the mobile surveillance approached the intersection at Cordary Avenue, deputies noted that westbound and eastbound traffic on 139th Street was blocked and barricaded due to down power lines. Sergeant Smith decided to conduct an undercover felony stop, referred to as "the Blue Angel," to prevent the suspect's escape.

> ***IAB Note***: The "Blue Angel" is an undercover felony traffic stop using unmarked or civilian vehicles. A minimum of two or a maximum of four vehicles could be used to adequately and safely perform the traffic stop. In a two-vehicle traffic stop, one vehicle would pull in front of the suspect's vehicle and stop. The other vehicle would stop directly behind the suspect's vehicle, thereby, pinning the suspect's vehicle between the two vehicles and preventing a suspect's escape or a protracted vehicle pursuit.
>
> In a four-vehicle approach, the two additional vehicles would pull alongside the suspect's vehicle at the driver and passenger doors (the width of the street permitting). This maneuver would, in effect, pin the suspect inside the vehicle; hence, the name "Blue Angel."
>
> After the suspect's vehicle is immobilized, the driver of the front vehicle would lean to the right on the front seat of his vehicle. The driver of the rear vehicle would then exit his vehicle and detain the suspect at gun point. Ideally, the suspect would be ordered out of his vehicle at gunpoint and directed to lie on the ground and both deputies would assist in handcuffing the suspect.
>
> This technique was sanctioned and approved by Department executives for use by plainclothes detectives, see Field Operations Directive 90-19, **Exhibit B**. The technique was subsequently disallowed and the directive was rescinded, **Exhibit C**.

Moments after the suspect's vehicle was immobilized, the suspect began to exit his vehicle. Deputy Garcia immediately ordered the suspect to assume a prone position in the street next to the vehicle. The suspect knelt to his hands and knees. Deputy Garcia then advised Sergeant Smith to exit his vehicle and assist him in handcuffing

the suspect. As Sergeant Smith began to exit his vehicle, the suspect quickly stood erect and proceeded to run in a southwest direction. When the suspect ran away, Deputy Garcia noticed that the suspect was reaching under his loose-fitting, white T-shirt in the area of his waistband. Deputy Garcia yelled to Sergeant Smith that the suspect was reaching for a weapon. As the suspect ran past Sergeant Smith, he (Smith) fired two quick bursts from his Beretta pistol at the suspect which missed him.

> ***IAB Note***: The attached diagram, **Exhibit D** depicts the configuration of the location and positions of the deputies and suspect during this incident. One of the rounds fired by Sergeant Smith struck a white, Toyota, pick-up truck, Calif. license. #[redacted], (see photographs, **Exhibit E**) that was parked along the south curb of 139th Street. The other round penetrated the building located at [redacted] W. 139th Street **Exhibit F**).

Deputy Garcia yelled at the suspect and ordered him to stop running. Believing the suspect was reaching for a weapon under his T-shirt, Deputy Garcia immediately fired two shots at the suspect from his Heckler and Koch, P-7, 9mm pistol. The suspect continued to run southbound on Cordary Avenue in the street along the east curb. Unable to catch the suspect, Sergeant Smith yelled, "Stop, Sheriff!" The suspect completely ignored his demand.

Sergeant Smith believed that since the suspect was wanted for murder, his escape could further threaten or jeopardize the safety of citizens in the area. Consequently, believing he had a clear line of fire, he fired four additional, carefully aimed shots at the suspect in an attempt to prevent his escape. The suspect continued to run and gave no clear indication that he was struck by any of the gunshots. Sergeant Smith and Deputy Garcia continued to chase the suspect as he scaled a solid brick wall and proceeded to run eastbound down the long driveway of the [redacted] at [redacted]. They lost sight of the suspect and immediately began to contain him in the immediate area. A subsequent search of the area for the suspect was unsuccessful.

> ***IAB Note***: It was undetermined whether the suspect was actually armed at the time he fled from Sergeant Smith and Deputy Garcia. However, a Bernadelli 9mm, automatic pistol was recovered from the front seat of his vehicle. See photographs, **Exhibit G.**

Deputy David J. Gill, #[redacted], told Internal Affairs investigators that after the briefing by Homicide investigators, he responded to the area of the mobile surviellance and relieved the Hawthorne PD units. The suspect's vehicle was parked on 139th Street, facing westbound on the west side of Yukon Ave.

Deputy Gill was driving an S-10 Chevy Blazer with tinted windows. He parked his Blazer facing eastbound on 139th Street and watched the suspect's vehicle. Approximately 15 minutes after relieving the Hawthorne units, the suspect entered the vehicle. The suspect was wearing a long white T-shirt and blue levis. Deputy Gill said that he alerted the team via 480 radios on "direct" that the suspect had entered the vehicle and was driving westbound. He said Sgt. Smith immediately took a position in front of the suspect's vehicle. Deputy Gill said he immediately climbed over the front seat of his vehicle, made a U-turn and began to follow the suspect.

Deputy Gill said Deputy Garcia broadcast over the 480 radio, "we could take him here, but I think he's going to run with only two of us." Deputy Garcia then alerted them to another vehicle that was following their mobile surveillance and asked Deputy Joseph Morphew to detain that vehicle.

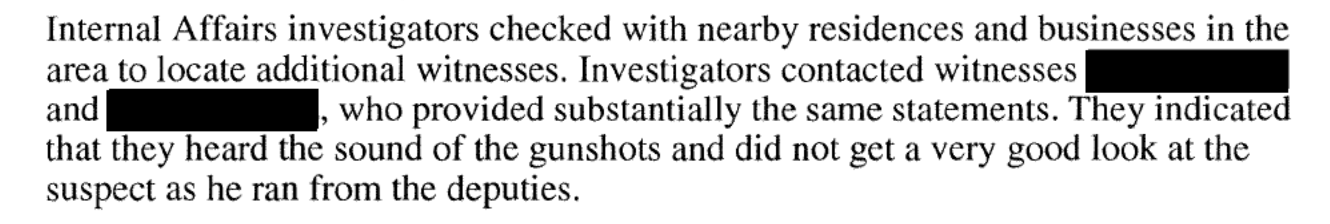
Deputy Gill said that he immediately heard, "Shots fired!" He drove past Deputy Morphew who was detaining the driver of the vehicle that was following Garcia. He stopped briefly and then drove approximately 20 feet further and contacted Deputy Garcia, who told him that Sergeant Smith ran southbound, chasing the suspect. Deputy Gill immediately drove south on Cordary Avenue and observed Sergeant Smith in the area of the [redacted] looking for the suspect. Deputy Gill later assisted in checking the area for the suspect, which met with negative results.

Deputy Morphew told Internal Affairs investigators that Deputy Garcia asked him to detain a vehicle that he believed to be connected to the suspect's vehicle. He immediately detained the driver, [redacted], at gunpoint and ordered him to place his hands on the vehicle's windshield. Although his attention was focused on Mr. [redacted], from a position of approximately one hundred feet Deputy Morphew saw Sergeant Smith and Deputy Garcia exit their vehicles and order the suspect to get out of his vehicle. He suddenly heard the sound of one or two gunshots and saw the suspect running southbound on Cordary Avenue. Sergeant Smith stood in the middle of the street and fired two additional shots and proceeded to chase the suspect around the corner. Deputy Morphew said he subsequently placed the person he had detained inside his undercover vehicle and took up a position of containment for the outstanding suspect.

> ***IAB Note***: Mr. [redacted] told Internal Affairs investigators that he was startled by the deputies presence. Initially, he thought he was about to be robbed until the deputies identified themselves. He said he did not get a good look at the suspect and did not notice if the suspect was carrying a gun while fleeing from the deputies. It was later determined that Mr. [redacted] was not associated with the suspect and was allowed to leave the scene.

According to Deputy Morphew, when the suspect ran away he only saw the suspect's hands and arms. He did not see the suspect with a gun and could not tell if the suspect was reaching for a weapon as he fled.

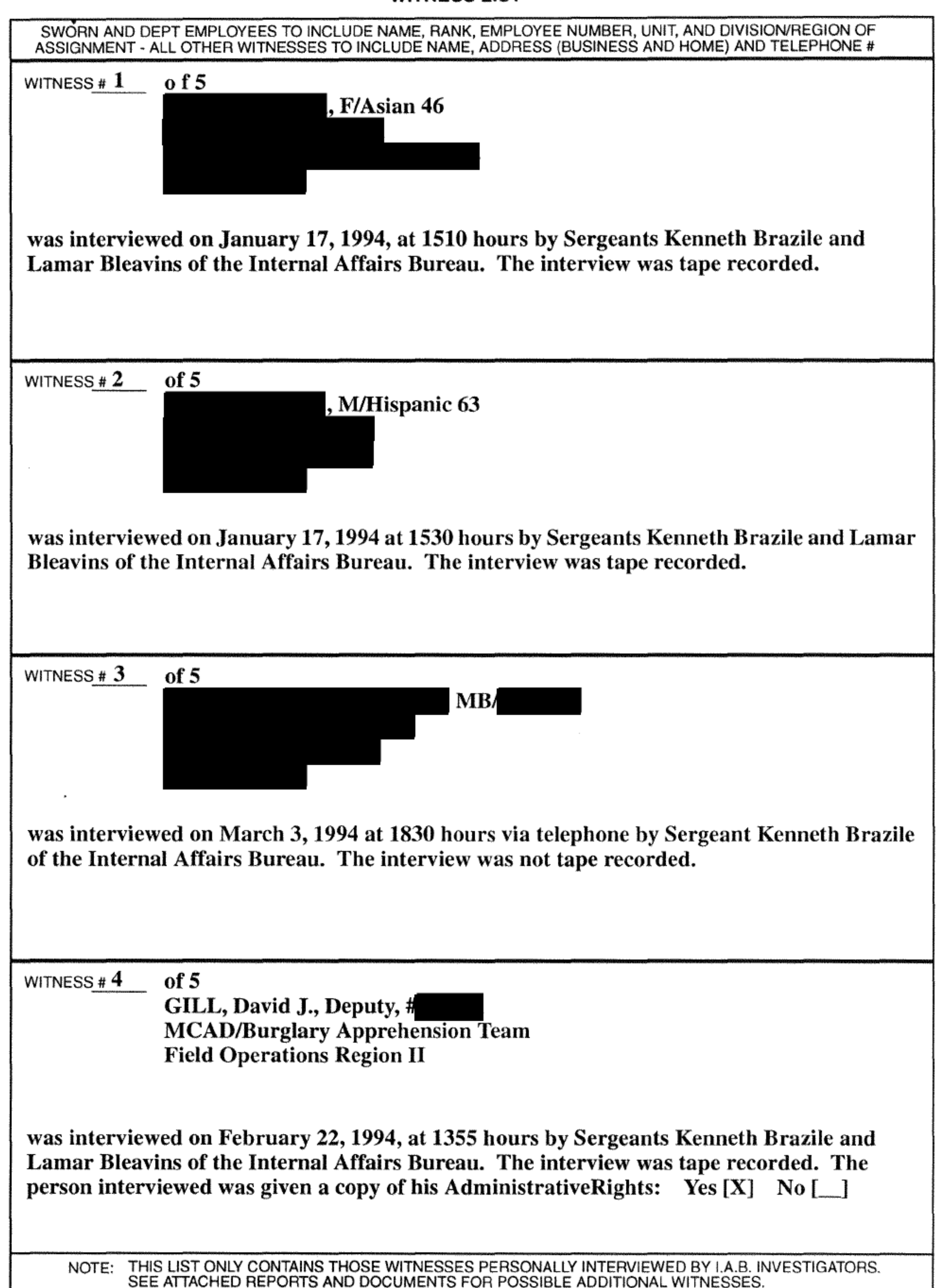
> ***IAB Note:*** All BAT teams members were off duty due to the Martin Luther King Jr. holiday and were called from their respective residences to respond to Hawthorne PD. Deputy Wayne Liberator and Deputy Fred Cook were previously assigned to pickup a surveillance van from Lomita Station prior to arriving at the scene. When the other team members were deployed and positioned in the area, Deputy Liberator and Deputy Cook had not yet arrived at the surveillance.



Internal Affairs investigators checked with nearby residences and businesses in the area to locate additional witnesses. Investigators contacted witnesses [redacted] and [redacted], who provided substantially the same statements. They indicated that they heard the sound of the gunshots and did not get a very good look at the suspect as he ran from the deputies.

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

WITNESS LIST



SWORN AND DEPT EMPLOYEES TO INCLUDE NAME, RANK, EMPLOYEE NUMBER, UNIT, AND DIVISION/REGION OF ASSIGNMENT - ALL OTHER WITNESSES TO INCLUDE NAME, ADDRESS (BUSINESS AND HOME) AND TELEPHONE #

WITNESS # **1** **of 5**

[redacted], F/Asian 46
[redacted]

was interviewed on January 17, 1994, at 1510 hours by Sergeants Kenneth Brazile and Lamar Bleavins of the Internal Affairs Bureau. The interview was tape recorded.

WITNESS # **2** **of 5**

[redacted], M/Hispanic 63
[redacted]

was interviewed on January 17, 1994 at 1530 hours by Sergeants Kenneth Brazile and Lamar Bleavins of the Internal Affairs Bureau. The interview was tape recorded.

WITNESS # **3** **of 5**

[redacted] **MB/**[redacted]
[redacted]

was interviewed on March 3, 1994 at 1830 hours via telephone by Sergeant Kenneth Brazile of the Internal Affairs Bureau. The interview was not tape recorded.

WITNESS # **4** **of 5**

GILL, David J., Deputy, #[redacted]
MCAD/Burglary Apprehension Team
Field Operations Region II

was interviewed on February 22, 1994, at 1355 hours by Sergeants Kenneth Brazile and Lamar Bleavins of the Internal Affairs Bureau. The interview was tape recorded. The person interviewed was given a copy of his AdministrativeRights: Yes [X] No [__]

NOTE: THIS LIST ONLY CONTAINS THOSE WITNESSES PERSONALLY INTERVIEWED BY I.A.B. INVESTIGATORS. SEE ATTACHED REPORTS AND DOCUMENTS FOR POSSIBLE ADDITIONAL WITNESSES.

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

WITNESS LIST

SWORN AND DEPT EMPLOYEES TO INCLUDE NAME, RANK, EMPLOYEE NUMBER, UNIT, AND DIVISION/REGION OF ASSIGNMENT - ALL OTHER WITNESSES TO INCLUDE NAME, ADDRESS (BUSINESS AND HOME) AND TELEPHONE #

WITNESS # 5 of 5

MORPHEW, Joseph, Deputy, #[redacted]
MCAD/Burglary Apprehension Team
Field Operations Region II

was interviewed on February 22, 1994, at 1415 hours by Sergeants Kenneth Brazile and Lamar Bleavins of the Internal Affairs Bureau. The interview was tape recorded. The person interviewed was given a copy of his/herAdministrativeRights: Yes [X] No [__]

WITNESS # ____

was interviewed on ________________ at _______ hours by ________________________ of the Internal Affairs Bureau. The interview was (was not) tape recorded. The person interviewed was given a copy of his/herAdministrativeRights: Yes [__] No [__]

WITNESS # ____

was interviewed on ________________ at _______ hours by ________________________ of the Internal Affairs Bureau. The interview was (was not) tape recorded. The person interviewed was given a copy of his/herAdministrativeRights: Yes [__] No [__]

WITNESS # ____

was interviewed on ________________ at _______ hours by ________________________ of the Internal Affairs Bureau. The interview was (was not) tape recorded. The person interviewed was given a copy of his/herAdministrativeRights: Yes [__] No [__]

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